IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH AT HYDERABAD.

HON'BLE SRI JUSTICE C.V. RAMULU

Writ Petition No.4731 of 1998

Dated: 23rd August 2005

Between:

P. Vasudevan … Petitioner

And

Tirumala Tirupathi Devasthanam,
Tirupathi rep. By its Executive Officer.
… Respondent

Oral Order:

1. This writ petition is filed seeking a mandamus to declare the proceedings No.DA2/22625/91 dated 6-6-1995 as arbitrary and illegal and consequently to direct the respondents to release the retirement pensionary benefits accrued to the petitioner.

2. It is needless to go into all the details of the case. It is suffice to notice that the petitioner being an ex-service man was appointed as a Security Guard into the services of the respondent Devasthanam w.e.f.

1-9-1986 (not by 5-2-1982 as claimed by the petitioner). The petitioner regularly attended to duties up to 1-10-1990. Thereafter it seems that he was unauthorisedly absent to duty from 1-10-1990 till 30-10-1993. Disciplinary proceedings were initiated. In the meanwhile, he attained the age of superannuation and retired on 30-9-1993. Thereafter, the disciplinary proceedings were concluded treating the period from 1-10-1990 to 30-9-1993 as *"dies non"*. The petitioner is not questioning the proceedings of the respondent treating the period of his absence as *"dies non"*. His case is that he has completed the qualifying service for the purpose of extending pensionary benefits under the A.P.Liberalised Pension Rules, 1980.

3. It is the contention of the learned counsel for the respondent that as per Rule 45 of the T.T.D. Service Rules, a person who rendered 10 years continuous service alone is entitled for pensionary benefits and not otherwise. However, the petitioner has not put in 10 years of service as required under law. Therefore, he was not extended with pensionary benefits.

4. Assuming that the period from 1-10-1990 to 30-9-1993 is also taken into consideration for the purpose of pension, then also he would not satisfy the criteria of the qualifying service of 10 years, therefore, he is not entitled for any pension. In view of the above, the writ petition is devoid of merits and it is liable to be dismissed. It is accordingly dismissed. No order as to costs.

5. However, the petitioner is at liberty to approach the respondent and file a fresh representation insofar as treating the period from 1-10-1990 to 30-9-1993 as *"dies non"* and on such an application being made, the respondents shall consider the same within a period of two months as per law.

(C.V. Ramulu, J)

SVS